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13 Counsel for Defendant Figueroa

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17 IN THE UNITED STATES DISTRICT COURT
18 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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20 SAN FRANCISCO DIVISION

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22 UNITED STATES OF AMERICA,
23 Plaintiff,
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25 v.
26 FREDDIE FIGUEROA,
27 Defendant.

28 Case No.: CR 19-721 SI

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30 DEFENDANT'S SENTENCING
31 MEMORANDUM

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33 Court: Courtroom 1, 17th Floor
34 Hearing Date: February 21, 2020
35 Hearing Time: 11:00 a.m.

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37 The defendant stands before the Court to be sentenced for selling \$20 worth of cocaine base to
38 an undercover police officer in the Tenderloin. The Probation Office has done an expedited report
39 which reflects the fact that the defendant has two prior misdemeanor convictions for coming across
40 the border without permission. He has no drug-related convictions.

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42 As with virtually all of the Tenderloin drug defendants, Mr. Figueroa is a citizen of Honduras
43 who undertook the arduous and dangerous trip of coming across Central America and Mexico to
44 make a better life for himself in the United States. He was apprehended entering this country
45 illegally for the first time, and was sent to Mexico. He turned around and came in a second time
46 because of his desire to find work in the United States, and was apprehended again. The third time he
47 actually made it in and tried to find work. He, again like most of the other Tenderloin defendants,

1 found it difficult to find that work due to his non-documented status. He was recruited to come to the
2 Bay Area with a promise that he would be given good work, when in fact the intention was to have
3 him sell drugs and be paid a very small amount for those sales. He sadly accepted the offer, and now
4 stands before the Court for the drug sales he participated in.

5 Considering the facts that Mr. Figueroa has only two non-violent prior misdemeanor offenses,
6 sold \$20 worth of drugs, and will now be deported to Honduras, a sentence of time served is the
7 appropriate sentence in this case. As with most of the defendants similarly situated, the fact that Mr.
8 Figueroa will be deported to Honduras after undertaking what he did to get here is punishment alone.
9 But in addition, he has now been in jail for 60 days for this \$20 sale. That is adequate punishment for
10 the crime he committed.

11 The defendant therefore respectfully asks for a sentence of time served.

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13 Dated: February 14, 2020

Respectfully submitted,

14 STEVEN G. KALAR
15 Federal Public Defender
Northern District of California

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/S

17 GEOFFREY A. HANSEN
18 Chief Assistant Federal Public Defender

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